

Page



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,311	06/27/2001	Mark A. Clark	999960.48069	1648

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PEPPER HAMILTON LLP
One Mellon Bank Center
500 Grant Street
50th floor
Pittsburgh, PA 15219

EXAMINER

ZHU, JERRY

ART UNIT PAPER NUMBER

2121

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,311

Applicant(s)

CLARK ET AL.

Examiner

Jerry Zhu

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10 is/are rejected.
- 7) ☒ Claim(s) 7-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/20/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities: misspelling in "value for the selected county." "county" should be "country." Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-3, 5 and 6

3. Claims 1-3, 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over
"Expert Judgments of Political Riskiness" by Mumpower et, al (Mumpower) in view of
"Conflict Management In Africa: The Role of The OAU Subregional Organizations"

Art Unit: 2121

by Olonisakin (Olonisakin) and further in view of an Afghanistan – Travel Warning of December 12, 2000 (Afghanistan).

Mumpower presented a methodology of conflict assessment in a country used by all the major political risk consulting firms, firms employed by most U.S. multinationals, as well as many of the corporations themselves. (page 52, second paragraph)

(note: page number have been inserted into the Mumpower reference by the examiner to facilitate discussion of this reference.) (page 52, paragraph 2) (Very little patentable weight is given to applicant's use of a relational database in the absence of any details of such database in the claims. Furthermore, Mumpower's database and computer, see page 57, section entitled "Factor Analysis of the Predictor Variables", are considered to anticipate this feature.)

The methodology disclosed by Mumpower anticipates claim 1 in the following way:

- Selecting a country and time period to analyze (page 52, last full paragraph);
- Determining if the database contains enough information to perform a base assessment of the selected country (page 56, last full paragraph and paragraph that ^{SPANS} ~~surpass~~ pages 56 and 57);
- Gathering up-to-the-moment information (page 52, line 5-7, "up-to-the-moment" is considered to be a relative term that depends upon the era of the invention and the technology available);

Re
4/29/04

Art Unit: 2121

- all*
11/22/04
- Analyzing the information to determine the level of conflict indicators (page 54, section entitled ^{Ratings}~~METHOD~~ of Political Risk.)
 - Outputting the assessment data results for a user to view (results are printed on paper as Mumpower's results are, see for instance Exhibit 1)

Mumpower does not disclose the use of the Internet searches and the rate of change of the conflict assessment. Afghanistan is cited to teach that persons of ordinary skill in the art use Internet searches to receive up-to-the-moment information regarding foreign countries, see in particular paragraph five. The purpose of using the Internet search is to learn any potential danger in that country.

Olonisakin teaches that persons of ordinary skill in the art will compare the current state to past states to determine if there is an escalation in violence or danger (see page 2, second full paragraph and page 3, third full paragraph). The purpose of determining if the conflict is escalating is to determine the level of response needed. Applicant should note that Mumpower cites the use of individual indicators in the "Factor Analysis of the Predictor Variables" section. Furthermore, it is considered that whether individual factors are considered or combinations of factors is a matter of choice in design given the high level of interconnections as stated in Mumpower at page 57.

Art Unit: 2121

4. It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the method of Mumpower as taught by Afghanistan for the purpose of learning of potential danger and Olonisakin for the purpose of determining if conflict is escalating.

Mumpower describes the sources of raw data obtained from extrapolation of economic data, press reports, surveys of expert opinion, and information transmitted in-house by managers in the field.

Official notice is taken of the fact that such information is available on the Internet and is storable on a computer. Official notice is taken of the fact that data maybe stored on a 3 ½ inch diskette or a CD-ROM disk.

Claim 4

5. Claim 4 is rejected under 35USC 103(a) as being unpatentable over Mumpower, Afghanistan and Olonisakin as applied to claim 1 above and further in view of Evaluating Information on the Internet by Brandt (Brandt).

Brandt teaches ways of evaluating information on the Internet by checking reliability and credibility of the information for the purpose of ensuring that the information is authoritative and reliable. (page 3)

6. It would have been obvious for one of ordinary skills in the art at the time of the invention by applicant to search online and other information sources, store them in database, and evaluate both quality and completeness of the information as taught by Brandt for the purpose of ensuring that the information is authoritative and reliable, so that Mumpower's information both authoritative and reliable.

Claim 10

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mumpower, Afghanistan and Olonisakin as set forth above and further in view of Apgar U.S. Patent No. 5,680,305 (Apgar). Mumpower, as modified above, discloses the method of applicant's claimed invention but does not specify the steps of a computer program to implement the method. Apgar teaches the steps of loading or inputting information into the computer, ^{see} abstract, ⁻ process actuators, one code segment accepts and recognizes data input col. 15, lines 60-66. One code section determines if the internal database contains enough information, col.16, line 49-60. The program will gather assessment, col.16, lines 49-60. A base assessment is not defined within the body of the claim and is thus considered to vary as the needs of the user varies much the same as applicant's program user. One code section performs the analysis and outputs the information; col. 16, lines 56-63. It is considered that given ^{the} ~~that~~ modified Mumpower's method, the code segments for

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Art Unit: 2121

comparing the indicator values and determining the rate of change are known. It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to have modified Mumpower to be a computer program as taught by Apgar for the purpose of providing business with a system for efficiently assisting in the decision making process.

Allowable Subject Matter

Claim 7, 8 and 9

8. Claim 7, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- DeCoster Jamie, Overview of Factor Analysis

Art Unit: 2121

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Zhu whose telephone number is (571) 272-4237.

The examiner can normally be reached on 10AM – 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jerry Zhu
Examiner
Art Unit - 2121
Wednesday, November 10, 2004


Anthony Knight
Supervisory Patent Examiner
Tech Center 2100